

SENATE BILL 773
By Burks

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 6, relative to the Tennessee Commercial Feed Law of 1972.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-6-103, is amended by deleting the word "and" at the end of subdivision (19), by adding the following language as new subdivisions (20), (21) and (22) and by renumbering the subsequent subdivision as (23):

(20) "Quantity statement" means the net weight (mass), net volume (liquid or dry) or count;

(21) "Specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacines, birds, mynahs, finches, tropical fish, goldfish, snakes and turtles;

(22) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets; and

SECTION 2. Tennessee Code Annotated, Section 44-6-104, is amended by deleting such section in its entirety, and by substituting instead the following:

Section 44-6-104. (a) Any person:

(1) Who manufactures a commercial feed within the state; or

(2) Who distributes a commercial feed in or into the state; or

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(3) Whose name appears on the label of a commercial feed as guarantor shall obtain a license for each facility from which commercial feed is distributed in or into the state authorizing such person to manufacture or distribute commercial feed before engaging in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under this chapter is not required to obtain a license.

(b) Any person who is required to obtain a license shall submit an application on a form provided or approved by the commissioner accompanied by a license fee of fifty dollars (\$50.00) per facility to be paid to the commissioner. The license year shall be the calendar year. Each license shall expire on the last day of December of the year for which it is issued; provided that any license shall be valid through February of the next ensuing year or until the issuance of the renewal license, whichever event first occurs, if the holder thereof has filed a renewal application with the commissioner on or before the last day of the year for which the current license was issued. Any new applicant who fails to obtain a license within fifteen (15) working days of notification of the requirement to obtain a license, or any licensee who fails to comply with license renewal requirements, shall pay a twenty-five dollar (\$25.00) late fee in addition to the license fee.

(c) The form and content of the commercial feed license application shall be established by rules promulgated by the commissioner.

(d) The commissioner may request from a license applicant or licensee, at any time, copies of labels and labeling in order to determine compliance with the provisions of this act.

(e) The commissioner is empowered to refuse to issue a license to any person not in compliance with the provisions of this chapter and to cancel the license of any licensee subsequently found not to be in compliance with any provisions of this chapter; provided, that no license shall be refused or canceled unless the applicant or licensee shall have been given an opportunity to be heard before the commissioner and to amend such applicant's or licensee's application in order to comply with the requirements of this chapter.

SECTION 3. Tennessee Code Annotated, Section 44-6-105(1)(A), is amended by deleting such subdivision in its entirety, and by substituting instead the following:

(A) The quantity statement;

SECTION 4. Tennessee Code Annotated, Section 44-6-105(1)(C), is amended by deleting the words "association of official analytical chemists" in the second sentence thereof, and by substituting instead the words "AOAC International".

SECTION 5. Tennessee Code Annotated, Section 44-6-107(1), is amended by deleting the word "or" at the end of subdivision (E), and by adding the following language as new subdivisions (F), (G), (H), (I), (J) and (K):

(F) It is, or it bears or contains any new animal drug that is unsafe within the meaning of § 512 of the Federal Food, Drug & Cosmetic Act;

(G) It consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for feed; and

(H) It has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(I) It is, in whole or in part, the product of a diseased animal or of an animal that has died otherwise than by slaughter which is unsafe within the meaning of § 402 (a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act;

(J) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health; or

(K) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulations or exemptions in effect pursuant to § 409 of the Federal Food, Drug, and Cosmetic Act;

SECTION 6. Tennessee Code Annotated, Section 44-6-107(4), is amended by deleting the words “medicated feed premixes and for medicated feeds” in the second sentence thereof, and by substituting instead the words “Type A Medicated Articles and Type B and Type C Medicated Feeds”.

SECTION 7. Tennessee Code Annotated, Section 44-6-109, is amended by deleting subdivisions (b) and (c) in their entirety, and by substituting instead the following:

(b) All licenses shall be conditioned on the applicant agreeing to keep such records as may be necessary to indicate accurately the tonnage and kinds of commercial feeding stuffs sold, and as are satisfactory to the commissioner, and granting the commissioner, or the commissioner's duly authorized representative, permission to examine such records and verify the statement of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or to otherwise comply as provided herein shall constitute sufficient cause for the cancellation of the license.

(c) The report shall be under oath, on forms furnished by the commissioner, and the reports shall be filed with the department of agriculture in the office of the division of feeds, seeds, and fertilizers. The report of tonnage and inspection fee shall be due and payable semiannually, on the last day of January and July, covering the tonnage of commercial feeding stuffs sold during the preceding six (6) months based on a calendar year. If the report is not filed and the inspection fee paid by the tenth day following the due date, or if the report is false, the commissioner shall revoke the license, and if the

inspection fee is unpaid after the ten-day grace period, the amount due shall bear a penalty of ten percent (10%) which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bonds hereinafter referred to provided, that no license shall be revoked until the licensee has first been given an opportunity to be heard before the commissioner in order to pay the fees required under this chapter.

SECTION 8. Tennessee Code Annotated, Section 44-6-111(f), is amended by deleting the words "Association of Official Analytical Chemists" and by substituting instead the words "AOAC International".

SECTION 9. This act shall take effect July 1, 1997, the public welfare requiring it.